

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>12/20/04</u>		2 Serial/Patent # <u>10/607,128</u>									
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
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9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;">--</td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>							--				
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10 REASON:											
<input type="checkbox"/> Overpayment											
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Filing date petition granted											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Cliff Congo</u>			TITLE: <u>Attorney</u>								
SIGNATURE: <u>Cliff Congo</u>			PHONE: <u>571-272-3207</u>								
OFFICE: <u>Petitions</u>											
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APPROVED: <u>Alicia Kelle</u>			DATE: <u>4/4/05</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tatsuo KOBAYASHI

Application No.: 10/607,128

Filed: June 27, 2003

Docket No.: 116378

For: INTERNAL COMBUSTION ENGINE OF COMPRESSING AND AUTO-IGNITING
AIR FUEL MIXTURE AND METHOD OF CONTROLLING SUCH INTERNAL
COMBUSTION ENGINE

**PETITION UNDER 37 C.F.R. §1.53(e)(2) - THE APPLICATION WAS COMPLETE
AS FILED ON OCTOBER 14, 2003**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is submitted in response to the May 28, 2004 Notice of Omitted Items in a Non-Provisional Application (copy attached). For the reasons discussed in detail below, this Notice is in error because this application as filed on June 27, 2003 included page 74 of the specification (copy attached).

Background

This application, including 88 pages of a specification, claims, drawings, Declaration, Assignment and Application Data Sheet, was filed in the U.S. Patent and Trademark Office on June 27, 2003. Attached to this communication as Appendix A is a copy of the U.S. Patent and Trademark Office Acknowledgement of Receipt bearing the data stamp of June 27, 2003. Furthermore, attached to this communication as Appendix B is a copy of the U.S. Patent and Trademark Office postcard. Please note that both the Acknowledgement of

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Receipt and the postcard indicate that 88 pages of the specification were included with the application as filed.

Page 74 was part of the 88 pages. If page 74 was missing, only 87 pages would have been filed. However, the U.S. Patent and Trademark Office twice acknowledged receipt of 88 pages.

In view of the foregoing, it is respectfully submitted that page 74 was originally filed in the U.S. Patent and Trademark Office on June 27, 2003, and that page 74 was subsequently misplaced.

Relief Requested

The U.S. Patent and Trademark Office is respectfully requested to: 1) withdraw the Notice of Omitted Items; 2) acknowledge that page 74 was received on June 27, 2003; and 3) accord this application a filing date of June 27, 2003, including page 74.

For the convenience of the Patent Office, a copy of page 74 is attached so that the complete application can be processed for substantive examination.

* * * *

Attached is our check number 156726 in the amount of \$130 for the petition fee under 37 C.F.R. 1.17(h). Furthermore, the U.S. Patent and Trademark Office is authorized to debit Deposit Account Number 15-0461 in the amount necessary to effect the filing of this Petition. However, it is respectfully submitted that the petition fee should be refunded because of the Patent Office error.

The appropriate official of the U.S. Patent and Trademark Office is invited to contact the undersigned if there are any questions regarding this matter.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Thomas J. Pardini
Registration No. 30,411

JAO:TJP/emt

Attachments:

Appendix A - Copy of U.S. PTO Acknowledgement
of Receipt dated October 14, 2003
Appendix B - Copy of U.S. PTO Postcard
Copy of Notice of Omitted Item
Copy of Page 87 of Specification

Date: July 28, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
